IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 28254 of 1995

Between:

BOGA NANDA KISHORE S/O RAJAMALLU
R/O YELLANDU, KHAMMAM DIST.

..... PETITIONER

AND

THE JOINT COLLECTOR
KHAMMAM, KHAMMAM DIST.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of certiorari calling for the records relating to proceedings of the joint collector, the respondent herein in D.Dis.No.B8/19591/88 dt.15.9.95 and quash the same.

Counsel for the Petitioner:MR.M.RAVINDRANATH REDDY

Counsel for the Respondent : GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

By the impugned order, the caste certificate issued to the petitioner has been cancelled by the Joint Collector, Khammam.

The impugned order is challenged only on one ground that the principles of natural justice have been violated inasmuch as the Joint Collector has relied on the reports of Revenue Divisional Officer dated 04-01-1994 and the Director of Tribal Welfare dated 18-05-1986 to cancel the certificate, but has not supplied this material to the petitioner.

In para 10 of the writ affidavit, it was specifically averred that the above material was at no point of time supplied to the petitioner nor any show cause notice was given to him in this connection. This had not been denied in the counter affidavit.

The impugned order is passed mainly on the basis of these two reports. Therefore, I am of the view, the order cannot sustain because the petitioner has not been given any chance to rebut the material, which was procured by the respondent against him. Hence, the order is set aside. However, the respondent is directed to supply the material to the petitioner herein and then pass final orders. The process shall be completed within a period of three months from today.

Accordingly, the writ petition is allowed. No order as to costs.

28-10-2004

GJ

To

1. The Joint Collector, Khammam, Khammam District.

2. Two C.Cs. to the Government Pleader for Social Welfare, High Court of A.P., Hyderabad.(OUT)

3. Two C.D. copies.